

Misbranding of the article was alleged in that it was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, butter.

On September 30, 1919, W. F. Drennan & Co., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond, in conformity with section 10 of the act, conditioned in part that the article be reprocessed under the supervision of the United States marshal and a representative of this department.

E. D. BALL, *Acting Secretary of Agriculture.*

**7964. Adulteration and misbranding of alleged cocoa. U. S. \* \* \* v. 77 Boxes, More or Less, of Alleged Cocoa. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 10674. I. S. No. 6772-r. S. No. C-1324.)**

On June 27, 1919, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 77 boxes, more or less, of alleged cocoa, remaining unsold in the original unbroken packages at LaSalle, Ill., alleging that the article had been shipped on March 28, 1919, by the National Cocoa Mills, New York, N. Y., and transported from the State of New York into the State of Illinois, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "My Own Pure Cocoa."

Adulteration of the article was alleged in that starch and sugar had been mixed and packed with the article so as to reduce, lower, and injuriously affect its quality and strength. Further adulteration of the article was alleged in that starch and sugar had been substituted in part for genuine cocoa which the article purported to be. Further adulteration of the article was alleged in that the said article was mixed in a manner whereby damage and inferiority were concealed.

Misbranding of the article was alleged in that the statements on the label on the package containing the article, regarding the article, to wit, "My Own Pure Cocoa The Cocoa contained in this package is Positively High Grade \* \* \* It is breakfast cocoa of Superior Quality and Excellence and similar to the highest grades of cocoa which have been awarded First Prize Gold Medals Absolutely Pure," (in inconspicuous type, rubber-stamped on side of package) "My Own Cocoa Compound Containing Cocoa Sugar Corn Starch," were false and misleading in that the statement, "My Own Pure Cocoa," was not sufficiently corrected by the inconspicuous statement, "My Own Cocoa Compound Containing Cocoa Sugar Corn Starch," and in that the above statements deceived and misled the purchaser into the belief that the article was pure cocoa, whereas the article was not pure cocoa, but starch and sugar had been mixed and packed with said article so as to reduce, lower, and injuriously affect its quality and strength. Further misbranding was alleged in that the statement above, to wit, "My Own Pure Cocoa," represented that the article was pure cocoa, whereas, in truth and in fact, it was not pure cocoa, but was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, genuine cocoa.

On March 5, 1920, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*